

Farmland and Grazing Land Preservation

An amendment to encourage the maximum agricultural output from farmland and grazing land in the United States, consistent with good farming and ranching practices, by prohibiting the involuntary acquisition of such land by States and units of local government for parks or as open space, and for other purposes.

Amendment Summary

The amendment would prohibit access to Federal financial assistance for a period of five years to any State or unit of local government choosing to exercise the use of eminent domain to take working agricultural ground for the purpose of parks, recreation, open space, conservation, preservation views or scenic vistas, or for similar purposes.

Property taken for use by a public utility; a road open to the public or common carriers; an aqueduct, pipeline, or similar use; a prison or hospital; or any use during and in relation to a national emergency or national disaster declared by the President is excepted.

Background

In June 2005, the Supreme Court held in a 5-4 ruling in *Kelo v. City of New London* that local governments could seize property needed for private development projects for the public good. The highly controversial decision has since allowed State governments and local municipalities to utilize eminent domain law to force land owners to yield their property to private developers.

Since the Supreme Court's *Kelo* ruling, farmers and ranchers have become vulnerable to State or local municipalities taking their property for economic development, open space designations or other purposes.

This amendment would deter States and local governments from exercising eminent domain to take working agricultural ground against the will of the landowner. In the event that the landowner chooses to consider taking his or her own land out of agricultural production, he or she reserves the right to voluntarily enter into an agreement with a State or local government in order to ensure preservation of the land.

It is necessary for Congress to discourage the illogical and unwarranted use of eminent domain to take working agricultural land. The Farm Bill is an appropriate vehicle to accomplish this goal to protect the private property rights of our nation's farmers and ranchers.

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